



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) Against the City of Lodi

MEETING DATE: October 5, 1999

Actual Date: 10/6/99

SUBMITTED BY: Human Resources Director

RECOMMENDED ACTION: To approve by motion action, denial of the following verified claim(s) filed against the City of Lodi:

- A) Domenic Small
- B) Bernice Everett

Date of Loss

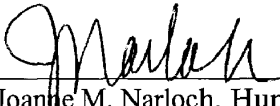
10/7/97

6/20/99

BACKGROUND INFORMATION: Following review of the verified claims filed against the City of Lodi, the Risk Manager and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claims.

FUNDING: None required.

Respectfully submitted,



Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN, Mayor Pro
Tempore
PHILLIP A. PENNINO
ALAN NAKANISHI
SUSAN HITCHCOCK

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

September 22, 1999

Domenic A. Small
c/o Steven E. Cohen, Esq
2233 Watt Ave #290
Sacramento CA 95825

RE: Claim against the City of Lodi

Claimant: Domenic A. Small
Date of Loss: 10/7/97
Your Claim Number:
Our Claim Number: 595

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on August 13, 1999, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.5 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Alice M. Reimche
City Clerk

cc: City Attorney
Risk Manager
Bill Benson, ICA

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RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

September 27, 1999

Bernice Everett
902 West Oak St
Lodi CA 95240

RE: Claim against the City of Lodi
Claimant: Bernice Everett
Date of Loss: 6/20/99
Your Claim Number:
Our Claim Number: 608

Dear Claimant:

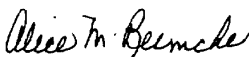
Notice is hereby given that the claim you presented to the City of Lodi on September 1, 1999, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,


Alice M. Reimche
City Clerk

cc: City Attorney
Risk Manager
Bill Benson, ICA